

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220	<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. PCT/JP2005/003817	International filing date (day/month/year) 28.02.2005	Priority date (day/month/year) 26.03.2004
International Patent Classification (IPC) or both national classification and IPC F16J15/12		
Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA		

### 1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the International application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
 European Patent Office - P. B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Van Wel, O Telephone No. +31 70 340-1043



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Box No. I Basis of the opinion

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material:

a sequence listing  
 table(s) related to the sequence listing

b. format of material:

in written format  
 in computer readable form

c. time of filing/furnishing:

contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.

3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	10, 11
	No: Claims	1-9, 12
Inventive step (IS)	Yes: Claims	10
	No: Claims	1-9, 11, 12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: US-A-4 635 949 (LUCAS ET AL) 13 January 1987
- D2: GB-A-2 019 507 (GOETZE AG) 31 October 1979
- D3: GB-A-1 170 251 (RICHARD KLINGER LTD) 12 November 1969
- D4: US-A-4 781 389 (BEYER ET AL) 1 November 1988
- D5: US-A-5 659 132 (NOVAK ET AL) 19 August 1997
- D6: PATENT ABSTRACTS OF JAPAN vol. 017, no. 126 (M-1381), 17 March 1993 & JP 04 308339 A (MAZDA MOTOR CORP), 30 October 1992

**1. Novelty and Inventive step:**

The present application does not meet the criteria of Article 33(1) PCT, because at least the subject-matter of claims 1 to 9 is not new in the sense of Article 33(2) PCT, and the subject-matter of claims 11 and 12 does not involve an inventive step in the sense of Article 33(3) PCT.

**1.1. With respect to independent claim 1:**

The document D1 discloses all the features of this claim, that is (the references in parentheses applying to this document) a gasket for preventing high-temperature fluid of an internal combustion engine from leaking (see figure 10), the gasket being located between an adjacent pair of components of the engine, the gasket comprising a gasket plate made of an electrically insulating material (column 2, line 25), the gasket plate having a hole (5); and further comprising an annular sealing member (19) made of a material having a higher heat resistance than the gasket plate (column 2, lines 54-57), wherein the annular sealing member covers part of the gasket plate that defines the hole (see figures).

Similarly, D2 (e.g. figure 3) and D3 (see figures) also disclose all the features of claim 1.

Claim 1 is thus not novel and can therefore not be considered to involve an inventive step.

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- 1.2. Dependent claims 2-9, 11 and 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (claims 2-9) and/or inventive step (claims 11 and 12), see documents D1 to D6 and the corresponding passages cited in the search report.
- 1.3. The combination of the features of dependent claim 10 seems neither known from, nor rendered obvious by, the available prior art. Although, in particular D4 (see e.g. figures 7, 9, 10) discloses bended plates (15", 15""", 20) as deformation restricting portions, none of the prior art documents suggests bending part of one of the holding portions toward the other holding portion. This leads to a simplified construction having less parts.

**2. Industrial applicability:**  
The subject-matter of claims 1-12 can be manufactured in industry and thus looked upon as being industrially applicable.